

U.S. Department of the Interior  
Bureau of Land Management  
Carson City District Office

**CATEGORICAL EXCLUSION  
ENVIRONMENTAL REVIEW AND APPROVAL**

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**Project Lead:** Erik Pignata

**Field Office:** Sierra Front

**Lead Office:** Sierra Front

**Case File/Project Number:** NVN 091237

**Applicable Categorical Exclusion** (cite section): 516 DM 11.9 Appendix 4 – 152, Realty, E. #16: “Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.”

**NEPA Number:** DOI-BLM-NV-C020-2012-0047-CX

**Project Name:** Comstock Mining, LLC American Flat Access Road

**Project Description:**

The Applicant, Comstock Mining, LLC is proposing the use and maintenance of an existing dirt road with no new surface disturbance proposed (outside of maintaining the existing disturbed surface with graders and water trucks). This road is used by the public and locally referred to as American Flat Road. The proposed right-of-way (ROW) would be used for commercial mining activities to transport materials for a leach pad and ore from a patented mining claim to the applicant’s leach pad / processing facility located on private land. The road would also be used for employee and contractor traffic. Only highway-approved vehicles would be using the road under this ROW. This ROW would not authorize any construction, expansion, restriction of access to the public or addition to existing berms / creation of new berms.

The existing travel surface (excluding previously built cuts and berms) varies in width from around 24 feet to 60 feet or more. A 30 foot width would accommodate their proposed activities. All travel and new surface disturbance under this authorization would be restricted to 30 feet within the existing berms (berm to berm only) on American Flat Road. The length of the ROW would be 6,140 feet. The total acreage would be approximately 5 acres.

The authorization would be used immediately upon issuance. The ROW would be in use year-round. This would be a standard FLPMA 3-year authorization with the right to renew at the Authorized Officer’s discretion.

The mining activities within the “Billy the Kid Pit,” located on private lands, are outside the decision-making authority of the BLM under the National Environmental Policy Act. These activities are, however, subject to State and/or County permitting.

**Applicant Name:** Comstock Mining, LLC

**Project Location (include Township/Range, County):**

Mount Diablo Meridian

T. 16 N., R. 21 E.,  
sec. 5, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
sec. 6, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
(within)

**BLM Acres for the Project Area:** 5 acres

**Land Use Plan Conformance** (cite reference/page number): LND-7, #6: "Exchanges and minor non-Bureau initiated realty proposals will be considered where analysis indicates they are beneficial to the public."

**Name of Plan:** NV – Carson City RMP.

Special Stipulation:

- a. The holder shall contact the BLM and obtain approval from the Authorized Officer before beginning any activity that is a substantial deviation from this grant or that will cause new surface disturbance.

**Screening of Extraordinary Circumstances:** The following extraordinary circumstances apply to individual actions within categorical exclusions (43 CFR 46.215). The BLM has considered the following criteria:

<i>If any question is answered 'yes' an EA or EIS must be prepared.</i>	<b>YES</b>	<b>NO</b>
1. Would the Proposed Action have significant impacts on public health or safety? (project lead/P&EC)		<b>X</b>
2. Would the Proposed Action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds (EO 13186); and other ecologically significant or critical areas? (wildlife biologist, hydrologist, outdoor recreation planner, archeologist)		<b>X</b>
3. Would the Proposed Action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA 102(2)(E)]? (project lead/P&EC)		<b>X</b>
4. Would the Proposed Action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? (project lead/P&EC)		<b>X</b>
5. Would the Proposed Action establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? (project lead/P&EC)		<b>X</b>
6. Would the Proposed Action have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? (project lead/P&EC)		<b>X</b>
7. Would the Proposed Action have significant impacts on properties listed, or eligible for listing, on the NRHP as determined by the bureau or office? (archeologist)		<b>X</b>
8. Would the Proposed Action have significant impacts on species listed, or proposed to be listed, on the list of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species? (wildlife biologist, botanist)		<b>X</b>
9. Would the Proposed Action violate federal law, or a State, local or tribal law or requirement imposed for the protection of the environment? (project lead/P&EC)		<b>X</b>
10. Would the Proposed Action have a disproportionately high and adverse effect on low income or minority populations (EA 12898)? (project lead/P&EC)		<b>X</b>
11. Would the Proposed Action limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007)? (archeologist)		<b>X</b>
12. Would the Proposed Action contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)? (botanist)		<b>X</b>

**SPECIALISTS' REVIEW:** During ID Team consideration of the above Proposed Action and extraordinary circumstances, the following specialists reviewed this CX:

**Realty Specialist:** JoAnn Hufnagle \_\_\_\_ or Erik Pignata ESP

**Outdoor Recreation Planner:** Arthur Callan ADC

**Hydrologist:** Niki Cutler nc

**Archaeologist:** Jim Carter JC or Rachel Crews \_\_\_\_

**Wildlife Biologist:** Pilar Ziegler B2D for PZ

**Botanist:** Dean Tonenna B2D for DT

**Planning & Environmental Coordinator:** Brian Buttazoni B2D

**Range Management Specialist:** Katrina Leavitt \_\_\_\_ or Ryan Leary RL

**Wild Horse and Burro Specialist:** John Axtell JA

**Geologist:** Dan Erbes DBE

**CONCLUSION:** Based upon the review of this Proposed Action, I have determined that the above-described project is a categorical exclusion, in conformance with the LUP, and does not require an EA or EIS.

Approved by:

  
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Leon Thomas  
Field Manager  
Sierra Front Field Office

6-28-12  
\_\_\_\_\_  
(date)